IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 2920 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE J.R.VORA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRASHANT KUMAR
Versus
HARISHBHAI KATHADBHAI JEBALIYA & ORS

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Appearance :
MR RJ OZA for Applicant
Respondent NO.1 served
MR EE SAIYED for Respondent NO.2
MR AY KOGJE APP for Respondent No. 3

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CORAM : HONOURABLE MR.JUSTICE J.R.VORA

Date : 20/06/2006

ORAL JUDGMENT

1 Heard learned Advocate Mr. R. J. Oza for applicant, learned Advocate Mr. E.E. Saiyed for respondent No.2 and learned

APP Mr. A.Y. Kogje for respondent No.3. Respondent No.1 though served but has not appeared since long in this matter.

2 Upon request of learned counsels for the parties present, this matter is heard finally today. This Criminal Misc. Application is preferred against an order passed by learned Additional Sessions Judge, Fast Track Court No.2, on 7th of March, 2006, deferring exhibiting documents, namely, Mark 18/5 to 18/9 and Mark 30/4. The exhibiting of the above said documents was objected by the accused on the ground that the said documents were part and parcel of panchnama which was still not proved. The learned Judge deferred exhibiting the documents till the panchnama was proved and hence this Application.

3 After hearing learned counsels and having regard to Section 66 of the NDPS Act and having regard to the fact that the above said documents, as per the Evidence Act, learned Judge ought to have exhibited the same. The evidentiary value of such documents with reference to panchnama may be appreciated thereafter, more so when, mere exhibiting the documents means admitting the same for consideration of the court and it can never be excluded from examining the evidentiary value of the documents.

4 In view of above, this application is allowed. The order

impugned in this Application is quashed and it is directed that the documents i.e. Marks 18/5 to 18/9 and Mark 30/4 be exhibited and admitted to the record and trial be proceeded further. Rule made absolute to the above extent.

(J. R. VORA, J.)

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